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13 APR 2009

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In re Application of: :
BUREAU, Christophe, et al. :
U.S. Application No.: 10/599,214 :
PCT Application No.: PCT/FR2005/000693 :
International Filing Date: 22 March 2005 :
Priority Date: 24 March 2004 :
Attorney's Docket No.: 033339/317221 :
For: METHOD FOR SELECTIVE :
COATING OF A COMPOSITE :
SURFACE PRODUCTION OF :
MICROELECTRONIC INTER- :
CONNECTIONS USING SAID :
METHOD AND INTEGRATED :
CIRCUITS :

COMMUNICATION

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C.371.

BACKGROUND

On 22 March 2005, applicants filed international application PCT/FR2005/000693. The international application claimed a priority date of 24 March 2004, and it designated the United States. On 20 October 2005, International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 24 September 2006.

On 22 September 2006, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), a preliminary amendment, a copy of the International Search Report (ISR), an English translation of the international application, and Information Disclosure Statement (IDS), and payment of the basic national fee. The Transmittal Letter, preliminary amendment, and IDS identified the international application number as PCT/FR05/000639. However, the ISR provided by applicants is from international application PCT/FR2005/000693. In addition, as evidenced by the Electronic Acknowledgement Receipt, the bibliographic information provided by applicants during the electronic filing process identified the application as the U.S. national stage under 35 U.S.C. 371 of international

application PCT/FR05/00693. Thus, the initial application materials filed 22 September 2006 listed two different international application numbers to which the national stage application was purportedly directed.

Based on the international application number provided during the electronic filing process, the present application was established in the USPTO PALM system as the national stage of PCT/FR05/00693. However, based on the conflicting information set forth in the application papers, the international application documents for PCT/FR05/00639 were loaded into the application file.

On 15 September 2008, applicants filed an executed declaration directed to PCT/FR2005/000693 and the surcharge for filing the declaration later than thirty months after the priority date.

On 02 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the international application as PCT/FR2005/000693 and indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied as of 15 September 2008. On the same date, a filing receipt was mailed that also identified the present application as the national stage of PCT/FR2005/000693 and the 35 U.S.C. 371 date as 15 September 2008. However, the foreign priority information in both the Notification Of Acceptance and the filing receipt (i.e., French Application No. 0403732, filed 08 April 2004) is the foreign priority claim from PCT/FR2005/00639, not PCT/FR2005/000693.

DISCUSSION

As set forth above, the materials filed when applicants initiated the present national stage application listed two different international application numbers. This inconsistency resulted in the incorrect international application documents and priority information being entered in the present application.

A grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicants. Such correction is necessary before the materials filed 22 September 2006, including the basic national fee payment, may be treated as having been directed to international application PCT/FR2005/000693, as necessary to avoid abandonment of this international application with respect to the United States. A grantable petition under 37 CFR 1.182 here must include the following: (1) payment of the \$400 petition fee; (2) a statement confirming the correct international application number, accompanied by a revised Form PTO 1390 Transmittal Letter in which the correct international application number is listed; and (3) an indication that the correct international application number was included somewhere in the national stage application papers filed prior to the expiration of thirty months from the priority date on 22 September 2006.¹

¹ As noted above, in the present application, international application number PCT/FR2005/000693 was listed on the ISR filed by applicant on 22 September 2006.

CONCLUSION

As discussed above, a grantable petition under 37 CFR 1.182 is required to correct the inconsistent international application numbers provided by applicants herein and thereby avoid abandonment of the international application.

Applicants have **TWO (2) MONTHS** from the mail date of the present Communication to file the required petition under 37 CFR 1.182, the requirements of which are set forth above.

Failure to file a timely and proper response will result in abandonment of the present application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'RMR', is positioned above the typed name of the signatory.

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